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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,316	08/27/2003	Kerry T. Ward	SC 089	4608

7590

04/07/2006

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EXAMINER

KOHNER, MATTHEW J

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/649,316		WARD ET AL.	
	Examiner		Art Unit	
	Matthew J. Kohner		3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-18, 20, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/5/04; 4/1/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

Two of the references in the IDS of March 5, 2004 are lined through and not considered. The patent numbers of these references do not correspond to the listed information and it is unclear which references were intended to be listed.

Specification

The disclosure is objected to because of the following informalities:

- page 11, line 26 -- “tow” should be “two”
- page 12, line 2 -- “a ny” should be “any”
- page 12, line 3 -- “hoave” should be “have”

Appropriate correction is required.

Election/Restrictions

Claims 1-11 and 21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on Jan. 20, 2006.

Examiner notes that claim 21 was mistakenly listed in the group of claims relating to claim independent claim 12. Claim 21 actually depends from nonelected independent claim 1 and is therefore withdrawn along with those non-elected claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 12-18, 20, 22 and 23 are rejected under 35 U.S.C. 102(e) as anticipated by US Patent No. 5,988,397 to Adams et al. (*hereinafter* “Adams”) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Adams.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

In regard to claim 12, Adams discloses a method for making a screen assembly for a vibratory separator, the method comprising:

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- making a frame support (col. 8, line 6 discloses a perforated plate which does support the screen assembly) for a screen assembly for a vibratory separator,
- moving with mechanical movement apparatus the frame support to cleaning apparatus,
- cleaning the frame support with the cleaning apparatus (col. 8, lines 17-18, discloses sand-blasting the plate)
- moving with mechanical movement apparatus the frame support to heating apparatus,
- heating the frame support with the heating apparatus (col. 8, line 19 discloses heating the plate)
- moving the heated frame support to coating apparatus with the mechanical movement apparatus,
- coating the frame support in the coating apparatus with protective material (col. 8, lines 21-25 disclose coating the plate with epoxy),
- moving the frame support away from the coating apparatus with the mechanical movement apparatus,
- allowing the coated frame support to cool so that the protective material sets, and
- combining screening material (col. 8, lines 30–35 disclose attaching screen material to the plate) with the frame support.

While Adams does not specifically disclose moving the screens between stations, it is inherent that the screen would have to be transferred from one station to the next station during the different phases of processing. However, even if Applicant disagrees that the movement of the screen is inherent, it would, at least, have been obvious to one of ordinary skill in the art at the time the invention was made that the screen would have to be transferred from one station to

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the next station. Further, it would be obvious to one of ordinary skill in the art that at least some mechanical means would have to aid in moving the screen, considering the screen is heated to 450 degrees Fahrenheit and transferred to be coated with epoxy before cooling, in addition to the frame being cleaned with cleaning solution or sandblasting.

In regard to claim 13, Adams discloses a plurality of layers of screening material (col. 8, line 31).

In regard to claims 14 and 15, Adams discloses the layers are adhered together into a plate/mesh combination via epoxy (col. 8, lines 55-63).

In regard to claim 16, Adams discloses adhering the screen material to the plate (col. 8, lines 30-63).

In regard to claims 17-18, Adams discloses attaching a support strip to the plate (col. 7, line 63).

In regard to claim 20, Adams discloses a screen (col. 8, lines 6).

In regard to claim 22, Adams discloses a vibratory separation (col. 1, line 12).

In regard to claim 23, Adams discloses treating fluid through the vibratory separator (col. 1, line 25).

Allowable Subject Matter

Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew J. Kohner
Examiner
Art Unit 3653

mjk


KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600